

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

STEPHANIE BAKER,	:	No. 4:16-CV-02311
	:	
Plaintiff,	:	(Judge Brann)
	:	
v.	:	
	:	
BENTON AREA SCHOOL DISTRICT,	:	
COLUMBIA MONTOUR SNYDER	:	
UNION COUNTIES OF CENTRAL	:	
PENNSYLVANIA SERVICE	:	
SYSTEM, COLEEN GENOVESE,	:	
KELLY KOCHER, and	:	
LINDSAY RADO,	:	
	:	
Defendants.	:	

ORDER

AND NOW, this 28th day of August 2017, in accordance with the accompanying Memorandum, **IT IS HEREBY ORDERED** that:

1. The Motion to Dismiss filed by Columbia Montour Snyder Union Counties of Central Pennsylvania, ECF No. 15, is **GRANTED IN PART AND DENIED IN PART** as follows:
 - a. The motion is **GRANTED WITHOUT PREJUDICE** as to Plaintiff's First Amendment retaliation claim (Count I).
 - b. The motion is **DENIED** as to Plaintiff's Pennsylvania Whistleblower Law claim (Count II).
 - c. The motion is **GRANTED WITHOUT PREJUDICE** as to Plaintiff's due process claim (Count III).

2. The Motion to Dismiss filed by the Benton Area School District, Coleen Genovese, Kelly Kocher, and Lindsay Rado, ECF NO. 19, is

GRANTED IN PART AND DENIED IN PART as follows:

- a. The motion is **GRANTED WITHOUT PREJUDICE** as to Plaintiff's First Amendment retaliation claim (Count I) brought against the Benton Area School District.
 - b. The motion is **DENIED** as to Plaintiff's First Amendment retaliation claim (Count I) brought against Coleen Genovese, Kelly Kocher, and Lindsay Rado.
 - c. The motion is **DENIED** as to Plaintiff's Pennsylvania Whistleblower Law claim (Count II).
 - d. The motion is **GRANTED WITHOUT PREJUDICE** as to Plaintiff's defamation claim (Count IV).
3. Plaintiff's request for a jury trial on her Pennsylvania Whistleblower Law claims (Count II) is **DENIED**.
4. Plaintiff is **GRANTED** leave to amend her complaint, as indicated in the accompanying Memorandum, **no later than twenty one (21) days** from the date of this Order.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

United States District Judge